

CIVIL RIGHTS COMMISSION[161]

Adopted and Filed

Pursuant to the authority of Iowa Code section 216.5, the Iowa Civil Rights Commission hereby amends Chapter 3, "Complaint Process," Iowa Administrative Code.

This chapter addresses the complaint process before the Commission. These amendments clarify investigation and cause determination procedures and the role of the administrative law judge. The amendments will assist in maintaining case processing deadlines without hiring additional staff. The amendments will also facilitate prompt processing and resolution of complaints.

Notice of Intended Action for these amendments was published in the March 10, 2010, Iowa Administrative Bulletin as **ARC 8567B**. A public hearing was held on April 6, 2010. No one attended the hearing, and no written or oral comments were received. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Iowa Civil Rights Commission on April 15, 2010.

These amendments are intended to implement Iowa Code section 216.5.

These amendments will become effective on June 9, 2010.

The following amendments are adopted.

ITEM 1. Amend rule 161—3.13(216), introductory paragraph, as follows:

161—3.13(216) Investigation. The executive director or designee shall make a prompt investigation of the complaint ~~and make a recommendation.~~ The administrative law judge may participate in the investigation and may direct the investigation. The investigator shall make a recommendation to the administrative law judge. ~~An~~ The administrative law judge shall review the recommendation and issue a determination of probable cause or no probable cause for the commission.

ITEM 2. Amend subrule 3.13(1) as follows:

3.13(1) Cause determinations. After a complaint has been filed, the executive director or a designated staff member shall assign a member of the investigatory staff to make a prompt investigation of the complaint. The investigator may confer with, be assisted by, or be directed by the administrative law judge during the investigation. The administrative law judge may participate in the investigation and engage in ex parte communications with the parties or their counsel. The investigator shall review all of the evidence and make a recommendation of probable cause or no probable cause or other appropriate action to the administrative law judge designated to issue findings. The administrative law judge shall review the case file and issue ~~an independent~~ a determination of probable cause or no probable cause; or other appropriate action on behalf of the commission.

[Filed 4/16/10, effective 6/9/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/10.